No. 77-388

# In the Supreme Court of the United States

OCTOBER TERM, 1977

STATE OF WASHINGTON, ET AL., APPELLANTS

*v.*

CONFEDERATED BANDS AND TRIBES OF THE YAKIMA INDIAN NATION

*ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT*

**MEMORANDUM FOR THE UNITED STATES AS AMICUS CURIAE**

**WADE H. McCREE, Jr.,**
*Solicitor General,*
**JAMES M. MOORMAN,**
*Assistant Attorney General,*
**EDMUND B. CLARK,**
**NEIL T. PROTO,**
*Attorneys,*
*Department of Justice,*
*Washington, D.C. 20530.*

# INDEX


| | Page |
|---|---|
| Question presented | 1 |
| Statement | 2 |
| Discussion | 6 |
| Conclusion | 14 |
| Appendix | 15 |


CITATIONS


Cases:

*Bryan* v. *Itasca County*, 426 U.S. 373 ---- 11, 13

*Kennerly* v. *District Court of Montana*, 400 U.S. 423 ---- 13

*Makah Indian Tribe* v. *Washington*, 397 U.S. 316 ---- 11

*Massachusetts Board of Retirement* v. *Murgia*, 427 U.S. 307 ---- 8

*New Orleans* v. *Dukes*, 427 U.S. 297 ---- 8

*Oliphant* v. *The Suquamish Indian Tribe*, No. 76–5729, certiorari granted, June 13, 1977 ---- 6, 7, 13, 14

*Quinault Tribe of Indians* v. *Gallagher*, 368 F. 2d 648, certiorari denied, 387 U.S. 907 ---- 4, 5, 10, 12

*Reed* v. *Reed*, 404 U.S. 71 ---- 7

*Tonasket* v. *Washington*, 420 U.S. 915 ---- 11

Constitutions and statutes:

United States Constitution, Fourteenth Amendment ---- 1, 5

Washington State Constitution, Art. XXVI, par. Second (RCWA 1966) ---- 13




253-214—77——1

| Constitutions and statutes—Continued | Page |
|---|---|
| Public Law 280, 67 Stat. 588 | *Passim* |
| Section 2 | 9, 10 |
| Section 6 | 11, 13 |
| Section 7 | 11 |
| 25 U.S.C. 1326 | 12 |
| Laws of Washington, 1957, ch. 240 § 1 | 2 |
| Laws of Washington, 1963, ch. 36, §§ 5, 6 | 2 |
| RCW § 37.12.010 (1964) | 3, 10 |
| RCW § 37.12.020, recodified as RCW § 37.12.021 (1964) | 2 |
| Miscellaneous: | |
| H.R. Rep. No. 848, 83d Cong., 1st Sess. (1953) | 11 |
| Rule 16(1)(c) of the Rules of the Supreme Court of the United States | 7 |


# In the Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-388

STATE OF WASHINGTON, ET AL., APPELLANTS

*v.*

CONFEDERATED BANDS AND TRIBES OF THE YAKIMA INDIAN NATION

*ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT*

## MEMORANDUM FOR THE UNITED STATES AS AMICUS CURIAE

The Solicitor General submits this memorandum in response to the Court's Order of October 3, 1977, requesting the views of the United States.

### QUESTION PRESENTED

Whether the partial geographic and subject matter jurisdiction exercised by the State of Washington within the Yakima Indian Reservation pursuant to Public Law 280 violates either the equal protection clause of the Fourteenth Amendment or the statutory requirements of Public Law 280.

STATEMENT

The Yakima Indian Reservation is located in the State of Washington. The Reservation consists of approximately 1,387,505 acres, of which approximately 80 percent is owned by the Tribe or held in trust by the United States. The remaining parcels of land, approximately 270,895 acres, are held in fee and scattered in "checkerboard" fashion throughout the Reservation. Approximately 3,000 members of the Yakima Indian Nation live on the Reservation, along with some 22,000 other residents.

In 1957, purportedly acting pursuant to Public Law 280, 67 Stat. 588 (reproduced in the Appendix to this memorandum), the Washington legislature authorized the Governor to issue a proclamation assuming civil and criminal jurisdiction over any Indian reservation at the request of the appropriate tribal council. Laws of Washington, 1957, ch. 240, § 1. The Yakima Indian Nation made no such request. In 1963, the State amended its statute to provide for assumption of jurisdiction without tribal consent. Under the amended statute, when a tribe consented to state jurisdiction over its reservation, the State assumed jurisdiction over "all Indians and all Indian territory, reservations, country, and lands of the Indian body involved to the same extent that this state exercises civil and criminal jurisdiction or both elsewhere within the state." [1] When a tribe did not consent, as the Yakima

[1] RCW § 37.12.020, recodified as RCW § 37.12.021 (1964); Laws of Washington, 1963, ch. 36, §§ 5, 6 (J.S. App. E).



Nation did not, the State assumed full civil and criminal jurisdiction with regard to fee lands within the reservation, but with regard to non-fee lands (*i.e.*, tribal lands or allotted lands held in trust by the United States), the State assumed jurisdiction, so far as Indians were concerned, only with respect to eight categories of subject matter.[2]

The Yakima Indian Tribe filed this suit in the United States District Court for the Eastern District of Washington seeking a declaration that the partial assertion of state jurisdiction over its reservation was invalid and an injunction against the continued exercise of such jurisdiction. The Tribe contended (1) that Public Law 280 did not permit a partial assumption of jurisdiction either by geography or subject matter, and (2) that the State had failed to comply with the requirement of Public Law 280 that it amend its constitution before asserting any jurisdiction over Indian lands within the State. The Tribe also argued that the partial assumption of jurisdiction by geography and subject matter, even if authorized by Public Law 280, violated constitutional requirements of due process and equal protection. Finally, the Tribe contended that any state jurisdiction was at most concurrent with tribal jurisdiction.

[2] These categories are compulsory school attendance, public assistance, domestic relations, mental illness, juvenile delinquency, adoption proceedings, dependent children, and the operation of motor vehicles upon public streets, alleys, roads and highways. See RCW § 37.12.010 (1964) (J.S. App. E).

The district court denied relief. On the issue of the State's compliance with Public Law 280, the court held (J.S. App. D 63) that it was bound by the decision of the Ninth Circuit in *Quinault Tribe of Indians* v. *Gallagher*, 368 F. 2d 648, certiorari denied, 387 U.S. 907, determining that the State, without amending its constitution, could assume partial geographic and subject matter jurisdiction over Indian reservations where the tribes had the option of requesting that full jurisdiction be assumed. Though noting evidence that subjection to state jurisdiction caused "disadvantages" for Yakima Tribe members (J.S. App. D 63), the court also held that the "fundamental constitutional right of equal protection is not shown to have been violated" (*id.* at 64).

The court of appeals, sitting *en banc*, adhered to its decision in *Quinault Tribe of Indians* v. *Gallagher*, *supra*, that Public Law 280 allowed the assumption of partial subject matter and partial geographic jurisdiction. Finding that "the applicable legislative history of PL–280 provides reasonable support for *Quinault*" (J.S. App. C 44), and stating that "reversal of *Quinault* * * * at this late stage, along with a new interpretation of PL–280, could lead to unfortunate law enforcement problems for thousands of native Americans" (*id.* at 40), the court declined to "overturn a reasonable interpretation of an ambiguous statute understood for a generation to be the law when the consequences of so doing are so uncertain and far-reaching" (*id.* at 45). The court noted, however, that



"Washington's checker-boarding of criminal jurisdiction might appear particularly inefficient and that its elimination may be desirable" (*id.* at 45).

Five dissenting judges concluded that *Quinault* should be overruled. They noted Congress' recognition that "checkerboard" jurisdiction was "antithetical to effective law enforcement" (*id.* at 53) and pointed out that even the State had agreed that "[t]he Yakimas have no effective law enforcement on their reservation" (*id.* at 54). The dissenters also relied on the legislative history of the 1968 amendments to Public Law 280, which they said indicated that partial subject matter jurisdiction had not previously been authorized (*id.* at 58).

On remand from the *en banc* court, a panel of the court of appeals turned to the constitutional issues and held that Washington's partial assumption of jurisdiction on the basis of "land-title classification" (*i.e.*, full jurisdiction over fee but not over non-fee land) violated the equal protection clause of the Fourteenth Amendment (J.S. App. A 33). The court noted that a Yakima Indian living on non-fee land was denied law enforcement protection from the State of Washington on that basis alone, while a Yakima Indian living on an adjoining parcel of fee land received protection (*ibid.*). This discrimination, the court held, lacked a rational basis because "[t]he state's interest in enforcing criminal law is not less 'fundamental' or 'overriding' on non-fee lands than on fee lands," and "[n]o showing has been or can

be made that the happenstance of title holding is related in any way to the need by the land occupants for law enforcement" (*id.* at 35). The court further concluded that the unconstitutional provision was not severable from the remainder of the statute and hence that "the whole statute must be rewritten" (*id.* at 36).

DISCUSSION

The decision of the court of appeals in this case, holding that the jurisdiction assumed by the State of Washington over Indian reservations in the State is incompatible with the equal protection clause, merits plenary review by this Court. The court's conclusion that the State failed to demonstrate a rational basis for its legislative choices regarding jurisdiction is not so plainly correct as to justify summary affirmance in a case of such importance. Moreover, we believe that this Court, before reaching the constitutional issue, should fully consider whether Washington's exercise of jurisdiction over Indian reservations comports with the requirements of Public Law 280. If it does not, the judgment below may be upheld without consideration of the Tribe's equal protection arguments.

We also note that this Court has before it similar issues in *Oliphant* v. *The Suquamish Indian Tribe,* No. 76–5729, certiorari granted, June 13, 1977. Because the court of appeals in *Oliphant* did not explicitly address the question whether the State of Washington has validly exercised jurisdiction over Indian reservations within its borders, and because the State of Washington is not a party to that case, we believe



it more appropriate for those questions to be resolved in this case, where they have been fully argued and decided. We therefore recommend that the Court note probable jurisdiction in this case, and consider it, if possible, together with *Oliphant.*

1. The court of appeals in this case held that a "checkerboard jurisdictional structure based on a selection by land title is the 'very kind of arbitrary legislative choice forbidden by the Equal Protection Clause * * *'" (J. S. App. A 35, quoting *Reed* v. *Reed,* 404 U.S. 71, 76). Although it assumed that "the concepts of fundamental rights and strict scrutiny are inapplicable to the title-based classification system that we are testing" (J. S. App. A 34), the court nevertheless struck down the Washington statute under the more traditional rational basis standard, stating that "Washington's title-based classification fails to meet any formulation of the rational basis test" (*ibid.*). The court found "no rational connection between the stated purpose [of the statute] and the distinction based on land title within the reservation" (*id.* at 35).

In the light of past equal protection decisions of this Court, we do not believe that "the questions on which the decision of the cause depends are so unsubstantial as not to need further argument," within the meaning of Rule 16(1)(c) of the Rules of this Court. This Court has recently stated that "[u]nless a classification trammels fundamental personal rights or is drawn upon inherently suspect distinctions such as race, religion, or alienage, our decisions presume the

constitutionality of the statutory discriminations and require only that the classification challenged be rationally related to a legitimate state interest." *New Orleans* v. *Dukes*, 427 U.S. 297, 303. Moreover, this Court has recognized that "[p]erfection in making the necessary classifications is neither possible nor necessary." *Massachusetts Board of Retirement* v. *Murgia*, 427 U.S. 307, 314. Under prevailing principles, therefore, it will be the rare case in which the lack of rational foundation for a statute is so apparent as to warrant a summary affirmance by this Court. In the majority of cases, the Court will be required independently to assess the claimed state interest to determine whether it provides a sufficient rational basis for the challenged discrimination. We believe that this is such a case.

In its jurisdictional statement, the State of Washington claims, *inter alia*, that the state legislature "based the distinction [between fee and non-fee land] upon a desire to allow the tribes, if they wish, to regulate the conduct of their own members on non-fee land" (J.S. 22), specifically with respect to wrongs committed by Indians against fellow Indians (*ibid.*). Under proper circumstances, we believe that such a desire would provide a rational basis for withholding state jurisdiction with respect to Indian trust lands. The court of appeals, however, suggested that the State had not advanced this asserted purpose on appeal, but had claimed only "that jurisdiction [over non-fee lands] was limited to areas of 'fundamental and overriding' concern" (J.S. App. A 34–35). Moreover, the court of appeals found (*id.* at 34) that "[b]oth Indians and non-Indians live on both fee and non-fee land within the Yakima reservation," which raises the possibility that a statute distinguishing between fee and non-fee land is not a reasonable way of accommodating a tribal interest in regulating the conduct of Indians. In any event, whatever the ultimate resolution of these questions, we submit that they should not be decided without full briefing and oral argument.



2. We also believe that this Court, in reviewing the judgment below, should consider whether Washington's limited assumption of jurisdiction over Indian reservations complied with the requirements of Public Law 280. In particular, the Court should consider (a) whether Washington was entitled to assert less than full criminal jurisdiction over trust and tribal lands within the reservations of non-consenting tribes, and (b) whether Washington was required to amend its constitution before assuming any jurisdiction over Indian lands within the State. Should the Court determine that Washington's assumption of jurisdiction was invalid under Public Law 280, the judgment below could be upheld without addressing the constitutional issue.

a. Public Law 280 ceded to certain listed states (the "mandatory states") "jurisdiction over offenses committed by or against Indians in the [specified] areas[3] of Indian country * * * to the same extent

[3] The specified areas included all Indian country within the states except for three reservations that were specifically excepted. Public Law 280, Section 2, 67 Stat. 588.

that such State has jurisdiction over offenses committed elsewhere within the State * * *." Public Law 280, Section 2, 67 Stat. 588. The statute further provided that "the criminal laws of such State shall have the same force and effect within such Indian country as they have elsewhere within the State" (*ibid.*). Once the states had assumed such jurisdiction, it was further specified that "[t]he provisions of sections 1152 and 1153 of this chapter [applying federal criminal law] shall not be applicable" (*ibid.*).

Public Law 280 also cleared the way for other states (the "option states") to assume criminal and civil jurisdiction over Indian reservations. Section 6 gave consent for states, notwithstanding the provisions of their Enabling Acts for admission to the Union, "to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provisions of this Act" (67 Stat. 590). In passing its statutes assuming partial jurisdiction over Indian lands, the State of Washington (which was not one of the "mandatory states") has purported to act pursuant to Public Law 280.[4]

Despite the contrary holdings of the Ninth Circuit in this case (J.S. App. C) and in *Quinault Tribe of Indians* v. *Gallagher,* 368 F. 2d 648, we seriously question whether Public Law 280 was intended to authorize assumption of partial jurisdiction in the man-

[4] The Washington Constitution contains a provision disclaiming jurisdiction over Indian lands within the State (see p. 13, *infra.*).



ner of the Washington statutes (RCW § 37.12.010).[5] The language of Section 6, consenting to assumption of civil and criminal jurisdiction over Indian reservations "in accordance with the provisions of this Act," is reasonably read to incorporate the requirement imposed on the "mandatory" states that criminal jurisdiction be exercised "to the same extent" and with "the same force and effect" as "elsewhere within the State."[6] This reading is consistent with Congress' concern to end the "hiatus in law-enforcement authority" in Indian country caused by limited federal authority and often non-existent or inadequate tribal mechanisms. See H.R. Rep. No. 848, 83d Cong., 1st Sess. 5–6 (1953), quoted in *Bryan* v. *Itasca County,* 426 U.S. 373, 379–380. The Washington statutes, far from giving state law full force and effect on Indian reservations, make distinctions based on land ownership and subject matter that lead to an inefficient checkerboard pattern of jurisdiction and impose continuing responsibilities on the state, tribal, and federal governments. It is questionable that such a result was intended by Public Law 280.[7]

[5] We agree with the court of appeals (J.S. App. C 38–39) that this issue is not foreclosed by this Court's summary dismissals in *Tonasket* v. *Washington,* 420 U.S. 915, and *Makah Indian Tribe* v. *Washington,* 397 U.S. 316.

[6] Section 7, which applies to states without preexisting legal impediments to assumption of jurisdiction, contains similar language, consenting to the assumption of jurisdiction by states not having jurisdiction "as provided for in this Act" (67 Stat. 590).

[7] We do not believe that mere acquiescence in the statutory scheme by Indian tribes—by failing to ask for state assumption of complete jurisdiction—is sufficient to legitimize an otherwise in-

The legislative history of the 1968 amendments to Public Law 280 also suggests that Washington's limited assumption of jurisdiction over non-fee land is invalid. The 1968 amendments expressly permit piecemeal assumption of jurisdiction, but, as the dissent from the *en banc* decision below points out (J.S. App. C 57–58 and n. 20), their legislative history indicates that such permission represented a change in the law. The change would be justified, of course, by the 1968 amendment providing that further state jurisdiction may only be asserted with the consent of an affected tribe expressed by referendum. See 25 U.S.C. 1326.

We do not suggest that partial assumptions of jurisdiction could never be valid under Public Law 280. It may be, for example, that "optional" states like Washington could have excepted certain reservations in their entirety, as Congress did in conferring jurisdiction on the "mandatory" states under Public Law 280. Similarly, states might be permitted to exercise authority over certain subject matters at the request of a particular Indian tribe. We maintain only that where the State's assumption of partial jurisdiction creates the very sort of jurisdictional uncertainty that Public Law 280 was designed to eliminate, that assumption should not be permitted to stand.[8]

---

valid assumption of partial jurisdiction under Public Law 280. Cf. *Quinault Tribe of Indians* v. *Gallagher*, *supra*.

[8] The position taken by the United States on this issue and the issue discussed briefly in the next section represents a shift from the position taken in our *amicus* memorandum in *Quinault Tribe of Indians* v. *Gallagher*, No. 1040, October Term 1966. The shift results from further examination of the legislative history of Public Law 280 (including the 1968 amendments) and analysis of later decisions of this Court. See, *e.g.*, *Bryan* v. *Itasca County*, 426 U.S. 373; *Kennerly* v. *District Court of Montana*, 400 U.S. 423.



b. As we have noted (p. 10, *supra*), Section 6 of Public Law 280 gives consent for states "to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provisions of this Act." The section further provides, however, "[t]hat the provisions of this Act shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution or statutes as the case may be." Although the Washington State Constitution, Art. XXVI, par. Second (RCWA 1966), expressly disclaims "all right and title" to "all lands * * * owned or held by any Indian or Indian tribes," and provides that "until the title thereto shall have been extinguished by the United States, * * * said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States," that provision was not amended prior to the State's assumption of jurisdiction over Indian lands within its borders.

We have set forth in our brief as *amicus curiae* in *Oliphant* v. *The Suquamish Indian Tribe*, No. 76–5729, at pages 54–58, our reasons for believing that amendment of the Washington Constitution was a necessary precondition to the State's assumption of

jurisdiction over Indian reservations.[9] We will not repeat them here. We only note our view that this issue, like the issue of partial jurisdiction, is a substantial one warranting plenary consideration by this Court. In view of the overlap between the issues in this case and the issues presented in *Oliphant,* we suggested in our brief in *Oliphant* (p. 59) that it would be desirable for the Court to consider the two cases together. We continue to believe that this would be desirable, and we therefore suggest that this case be heard on the merits, if possible, during the present Term.

### CONCLUSION

It is respectfully submitted that the Court should note probable jurisdiction in this case.

WADE H. MCCREE, JR.,
*Solicitor General.*
JAMES M. MOORMAN,
*Assistant Attorney General.*
EDMUND B. CLARK,
NEIL T. PROTO,
*Attorneys.*

JANUARY 1978.

---

[9] We are sending appellants and appellee a copy of our brief in *Oliphant.*

## APPENDIX

### (Public Law 280—Chapter 505)

**AN ACT To confer jurisdiction on the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, with respect to criminal offenses and civil causes of action committed or arising on Indian reservations within such States, and for other purposes**

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*** That chapter 53 of title 18, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1151 of such title the following new item:

**"1162. State jurisdiction over offenses committed by or against Indians in the Indian country."**

SEC. 2. Title 18, United States Code, is hereby amended by inserting in chapter 53 thereof immediately after section 1161 a new section, to be designated as section 1162, as follows:

"§ 1162. State jurisdiction over offenses committed by or against Indians in the Indian country

"(a) Each of the States listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within

such Indian country as they have elsewhere within the State:

| "State of | Indian country affected |
|---|---|
| California | All Indian country within the State |
| Minnesota | All Indian country within the State, except the Red Lake Reservation |
| Nebraska | All Indian country within the State |
| Oregon | All Indian country within the State, except the Warm Springs Reservation |
| Wisconsin | All Indian country within the State, except the Menominee Reservation |

"(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

"(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section."

SEC. 3. Chapter 85 of title 28, United States Code, is hereby amended by inserting at the end of the chapter analysis preceding section 1331 of such title the following new item:

"1360. State civil jurisdiction in actions to which Indians are parties."



SEC. 4. Title 28, United States Code, is hereby amended by inserting in chapter 85 thereof immediately after section 1359 a new section, to be designated as section 1360, as follows:

"§ 1360. State civil jurisdiction in actions to which Indians are parties

"(a) Each of the States listed in the following table shall have jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country as they have elsewhere within the State:

| "State of | Indian country affected |
|---|---|
| California | All Indian country within the State |
| Minnesota | All Indian country within the State, except the Red Lake Reservation |
| Nebraska | All Indian country within the State |
| Oregon | All Indian country within the State, except the Warm Springs Reservation |
| Wisconsin | All Indian country within the State, except the Menominee Reservation |

"(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer

jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

"(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section."

SEC. 5. Section 1 of the Act of October 5, 1949 (63 Stat. 705, ch. 604), is hereby repealed, but such repeal shall not affect any proceedings heretofore instituted under that section.

SEC. 6. Notwithstanding the provisions of any Enabling Act for the admission of a State, the consent of the United States is hereby given to the people of any State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provisions of this Act: *Provided,* That the provisions of this Act shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution or statutes as the case may be.

SEC. 7. The consent of the United States is hereby given to any other State not having jurisdiction with respect to criminal offenses or civil causes of action, or with respect to both, as provided for in this Act, to assume jurisdiction at such time and in such manner as the people of the State shall, by affirmative legislative action, obligate and bind the State to assumption thereof.

Approved August 15, 1953.

U.S. GOVERNMENT PRINTING OFFICE: 1976